

JOURNAL OF THE SENATE

144

Wednesday, April 17, 1957

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, April 16, 1957.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend Harry B. Douglas:

Almighty God, the Guide and Strength of the faithful; give us a deeper sense of Thy besetting Presence. When life is difficult, when our fellow-workers fail us, when the cause we care for does not seem to prosper, when we stumble on account of our own weakness, give us courage not to despair. Meditating on Thy patient will and love, may we win the spirit that brings good out of evil, victory out of defeat; through Jesus our Saviour. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, April 16, 1957, was corrected and as corrected was approved.

The Senate daily Journal of Monday, April 15, 1957, was further corrected as follows:

Page 125, column 1, strike out line 9, counting from the bottom of the column, and insert in lieu thereof the following:

"By Senators Kelly and Getzen—(By Request)—"

And as further corrected was approved.

REPORTS OF COMMITTEES

Senator Johns, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bill:

S. B. No. 159—A bill to be entitled An Act to amend Section 646.08, Florida Statutes of 1955; to provide that no policy shall be issued under Chapter 646 except through a licensed agent; to provide that the premium, commission or dividend for such policies when received by any lender, creditor or anyone connected directly or indirectly with the lender or creditor shall not be deemed interest or charged or excess consideration under any other statute of Florida; to provide that accident and health insurance may not be sold or issued by an insurer or agent in connection with loans made under Chapters 516 and 519, Florida Statutes of 1955.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Johns, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bills:

H. B. No. 100—A bill to be entitled An Act relating to life insurance; amending Section 635.175(1)(4), Florida Statutes, relating to the approval or disapproval by the insurance

commissioner of riders or annuity forms; amending Section 635.211(2) relating to standard provisions of ordinary life insurance; amending Section 635.213(2) relating to standard provisions of industrial insurance; amending Section 635.24(2)(d) relating to credit life insurance; amending Chapter 635, Florida Statutes by adding thereto a section to be designated Section 635.201 relating to standard provisions for annuities and pure endowment contracts; repealing all laws in conflict herewith; providing for effective date.

H. B. No. 101—A bill to be entitled An Act amending Sections 635.24(1)(b)(c) and 635.24(3)(b)(c), Florida Statutes, relating to group life insurance; repealing Chapter 640, Florida Statutes, relating to benevolent mutual benefit associations; repealing all laws in conflict herewith, and providing for the effective date of this Act.

H. B. No. 104—A bill to be entitled An Act amending Section 625.251, Florida Statutes, requiring employers, labor unions or associations, who receive dividends, premium refunds, rate reductions, commissions or service fees, in connection with group insurance policies covering employees of employers or members of labor unions or associations, to apply that portion of such amounts which exceed their total expenditure toward the cost of such insurance for the sole benefit of insured employees or members or the purposes of the trust; repealing all laws in conflict herewith; providing effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Johns, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bills:

H. B. No. 109—A bill to be entitled An Act defining automobile clubs; providing for the qualification, licensing and regulation of such clubs; empowering the insurance commissioner to administer the provisions of this Act and rules and regulations adopted pursuant thereto; providing for a penalty; fixing the effective date.

H. B. No. 110—A bill to be entitled An Act amending Section 18.20, Florida Statutes, by adding thereto Subsections numbered (3) and (4) authorizing the state treasurer to photograph, microphotograph or reproduce on film all records and documents of said office as in his discretion he may select; granting authority to the state treasurer to destroy any of said documents or records after they have been so photographed and filed after audit of his office is completed for the period embracing dates of said documents and records; providing that such photographs or microphotographs, including certified or authenticated reproductions thereof, shall have the same force and effect as the originals thereof and be deemed originals for the purpose of admissibility in evidence; repealing all laws in conflict herewith; providing for effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Johns, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bills:

H. B. No. 130—A bill to be entitled An Act amending Section 628.06, Florida Statutes, increasing the surplus over all liabilities that a reciprocal or inter-insurance exchange is required to maintain, except those organized under the laws of this State and doing business on April 1, 1957; amending Section 628.12, relating to insurance agents, re-insurance and regulation of rates of reciprocal or inter-insurance exchanges;

repealing all laws in conflict herewith, and providing for the effective date of this Act.

H. B. No. 132—A bill to be entitled An Act to amend Chapter 636, Florida Statutes, relating to insurance adjusters; prescribing certain age, residence and citizenship requirements; repealing all laws in conflict herewith, and providing for the effective date of this Act.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Johns, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bill:

H. B. No. 133—A bill to be entitled An Act to amend Chapter 903, Florida Statutes, relating to bail bondsmen; amending Sections 903.09, 903.37, 903.53 and 903.56, relating to the justification of sureties, definitions, and licensing of bondsmen; repealing all laws or parts of laws in conflict herewith; providing an effective date.

—and recommends that the same pass with Committee Amendment as attached thereto.

And the Bill contained in the preceding report, together with the Committee Amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Connor, Chairman of the Committee on Temperance, reported that the Committee had carefully considered the following Bill:

S. B. No. 76—A bill to be entitled An Act relating to the administration of the state alcoholic beverage law; amending Subsection (1) of Section 561.29, Florida Statutes, by limiting the convictions for which licenses may be suspended or revoked to those by a criminal court.

—and the Committee reports same without recommendation.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Rood, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bill:

S. B. No. 248—A bill to be entitled An Act relating to rural mail carriers, amending Subsection (3) of Section 317.90, Florida Statutes, allowing the use of certain lights, providing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Rood, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bill:

S. B. No. 334—A bill to be entitled An Act relating to motor vehicle drivers' licenses; amending Section 322.09, Florida Statutes, by providing for revocation of a minor's permit or license upon conviction of a traffic law or ordinance violation while driving a motor vehicle.

—and recommends that the same pass with Committee Amendment as attached thereto.

And the Bill contained in the preceding report, together with the Committee Amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Adams, Chairman of the Committee on Agriculture, reported that the Committee had carefully considered the following Bills:

S. B. No. 157—A bill to be entitled An Act relating to dealers in agricultural products; amending Sections 604.15 (1) (3) (6), 604.20, 604.21, 604.30, Florida Statutes; providing definitions, bond prerequisite, claim procedure, penalties; providing an effective date.

S. B. No. 216—A bill to be entitled An Act relating to poultry and eggs, amending Section 583.01, Florida Statutes;

amending Subsection (1) and (2) of Section 583.02, Florida Statutes; amending Subsection (1) of Section 583.05, Florida Statutes; amending Section 583.09, Florida Statutes; amending Section 583.13 through 583.15, Florida Statutes; amending Section 583.18, Florida Statutes; providing new definitions and new rules; providing for poultry inspection by the Commissioner of Agriculture; repealing Section 583.08, Florida Statutes; providing an effective date.

—and recommends that the same pass with Committee Amendments as attached thereto.

And the Bills contained in the preceding report, together with the Committee Amendments attached thereto, were placed on the Calendar of Bills on Second Reading.

Senator Branch, Chairman of the Committee on Forestry and Parks, reported that the Committee had carefully considered the following Bill:

S. B. No. 242—A bill to be entitled An Act relating to forest protection; providing for the assignment of a Special Assistant Attorney General to advise and assist the Florida Board of Forestry in forest fire law enforcement and related matters; providing an appropriation and an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was referred to the Committee on Appropriations under the original multiple reference.

Senator Branch, Chairman of the Committee on Forestry and Parks, reported that the Committee had carefully considered the following Bills:

S. B. No. 243—A bill to be entitled An Act relating to forest protection; amending Subsection (3) of Section 590.02, Florida Statutes; powers of board; appointment of rangers, employees and other authorized persons; providing an effective date.

S. B. No. 270—A bill to be entitled An Act relating to the duties and responsibilities of the Florida Board of Forestry; authorizing the Florida Board of Forestry to appoint advisory forest fire prevention committees; prescribing the duties of the committees; providing effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 1—A bill to be entitled An Act to amend paragraph (a) of Subsection 3 of Section 601.15, Florida Statutes 1955, so as to provide for an increase of the excise taxes on oranges from three cents per standard packed box to five cents per standard packed box, and eliminating the tax on limes; provide that this Act shall not repeal Chapter 29647 Laws of Florida 1955, and provide for an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 14—A bill to be entitled An Act to amend Paragraph (e) of Subsection (1) of Section 601.28 Florida Statutes 1955, relative to inspection fees for citrus so as to provide a fee also for juice and segments and provide an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. No. 137—A bill to be entitled An Act to cancel and release all State, Dade County, Highlands County, Broward

County, and Monroe County, and special district taxes, tax sale certificates and tax deeds issued to and owned by the State of Florida, and the counties of Dade, Highlands, Broward or Monroe, or by other special taxing districts, on lands owned by the South Florida Council, Boy Scouts of America and now being used for Boy Scout purposes, and in this Act described; and to exempt said lands from taxation beginning with the year 1957 and continuing thereafter as long as said lands are used for Boy Scout purposes.

S. B. No. 143—A bill to be entitled An Act relating to weather modification operations; providing for the licensing, control and regulation of such operations by the State Board of Conservation; prescribing penalties for violations.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 165—A bill to be entitled An Act relating to taxation; providing for the separate taxation of mineral, oil and other subsurface rights; providing the procedure therefor; providing the rate of taxation; providing for the sale thereof for nonpayment of taxes; and providing an effective date.

—and the Committee reports same without recommendation.

And the Bill contained in the preceding report was referred to the Committee on Judiciary "C" under the original multiple reference.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bills:

S. B. No. 224—A bill to be entitled An Act regulating the watchmaking and watch repair profession in the State; creating and providing for the appointment of the Florida Watchmakers' Commission and prescribing its powers and duties; providing for the examination and certification of watchmakers by the commission; authorizing the making of rules and regulations by the commission; providing authority in the commission for setting up a state-wide identification system in cooperation with law enforcement authorities and civil defense; providing penalties for violations of the provisions of this Act; and providing an effective date.

S. B. No. 258—A bill to be entitled An Act providing that all claims against the State of Florida not exceeding one thousand dollars (\$1,000.00) be litigated in the court having jurisdiction wherein the cause of action accrued.

S. B. No. 305—A bill to be entitled An Act amending Section 693.14, Florida Statutes, 1955, relating to powers of attorney by married woman to provide that husband need not join with wife in power of attorney by wife to her husband; providing the effective date hereof.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bills:

S. B. No. 306—A bill to be entitled An Act relating to probate law; amending Chapter 731, Florida Statutes, by adding Section 731.051; providing certain requirements in relation to agreements to make a will; repealing conflicting laws and providing an effective date.

S. B. No. 307—A bill to be entitled An Act to amend Chapter 737 of the Florida Statutes, so as to add thereto a new section, which provides in substance that the Attorney General of the State shall, in all proceedings under said chapter involving charitable trusts with unknown or unascertainable beneficiaries, be deemed to be the representative of such beneficiaries for all purposes under said Act.

S. B. No. 308—A bill to be entitled An Act relating to the payment of attorneys fees in suits for partition of real estate; amending Section 66.08, Florida Statutes; repealing all conflicting laws; providing an effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bills:

S. B. No. 319—A bill to be entitled An Act making it a misdemeanor to print for sale or distribution, or to circulate, distribute, publish or offer for sale, any letter, paper, document, notice of intent to bring suit, or other notice or demand, which simulates a form of court or legal process; prescribing penalties; and declaring an emergency.

S. B. No. 320—A bill to be entitled An Act making it unlawful to send or deliver, or cause to be sent or delivered any letter, paper, document, notice of intent to bring suit, or other notice or demand, which simulates a form of court or legal process, with intent to lead the recipient or sendee to believe the same to be genuine, for the purpose of obtaining any money or thing of value; prescribing penalties; and declaring an emergency.

S. B. No. 345—A bill to be entitled An Act relating to unauthorized practice of law; defining practice of law; prohibiting practice of law by laymen; prohibiting performance of legal services by attorneys in absence of bona fide attorney-client relationship; providing jurisdiction to enjoin; providing penalties; making violation grounds for dismissal of suit; providing for revocation of corporate charters or authorization to do business in this state; fixing an effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bill:

S. B. No. 346—A bill to be entitled An Act relating to barratry; defining barratry; providing for revocation of professional licenses and corporate charters and disbarment of attorneys; imposing penalties; providing jurisdiction to enjoin; making violation grounds for dismissal of suit; fixing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bill:

S. B. No. 267—A bill to be entitled An Act relating to personal injury; providing for comparative negligence in all cases.

—and recommends that the same not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Beall, Chairman of the Committee on Judiciary "A", reported that the Committee had carefully considered the following Bill:

S. B. No. 318—A bill to be entitled An Act relating to the transfer of civil cases from one circuit to another circuit under certain circumstances.

—and recommends that the same not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Neblett, Chairman of the Committee on Veterans Affairs, Aviation, Radio and Television, reported that the Committee had carefully considered the following Bills:

S. B. No. 272—A bill to be entitled An Act relating to the State or United States Flag; repealing Subsection (3) of Section 256.05, Florida Statutes and amending Section 256.07, Florida Statutes; providing an effective date.

S. B. No. 312—A bill to be entitled An Act relating to ac-

knowledge of members of the armed forces; amending Section 695.031, Florida Statutes, by adding new Subsection (4); providing certain requirements for an acknowledgment of a spouse of a member of the armed forces and renumbering subsequent subsections of said section; providing an effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Neblett, Chairman of the Committee on Veterans Affairs, Aviation, Radio and Television, reported that the Committee had carefully considered the following Resolution:

H. C. R. No. 172—A Concurrent Resolution adopting the practice of pledging allegiance to the flag of the United States of America at the start of the first day of each Session and on every Monday during each Session of the Legislature.

—and recommends that the same not be adopted.

And the Resolution contained in the preceding report was laid on the table.

Senator Dickinson, Chairman of the Committee on Judiciary "B", reported that the Committee had carefully considered the following Bill:

S. B. No. 60—A bill to be entitled An Act relating to Juvenile Courts; amending Subsection (2) of Section 39.09, Florida Statutes; providing that hearings shall be open to the public, except in exceptional circumstances.

—and recommends that the same pass with Committee Amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee Amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Clarke, Chairman of the Committee on General Legislation, reported that the Committee had carefully considered the following Bill:

S. B. No. 91—A bill to be entitled An Act relating to the regulation of the issue, sale, gift, or other disposition or use of trading stamps as herein defined, for or with the sale of goods or services; defining certain terms as used in this Act; providing for registration and bonding of issuers and agents for redemption of trading stamps; providing for service of process upon the Secretary of State with respect to issuers and agents for redemption of trading stamps; providing annual registration fee; requiring that certain information be printed upon the face of trading stamps; regulating the redemption of trading stamps; prohibiting discrimination against Florida residents on redemption of trading stamps; fixing liability for redemption of trading stamps; providing for the escheat to the State of the face value of trading stamps not redeemed within a specific period of time; providing for the keeping of records by issuers and agents for redemption of trading stamps and requiring the filing of annual reports with the Treasurer of the State of Florida; providing for the posting of notice to the public of certain provisions hereof; providing for penalties for the violation of this Act; providing remedies for the enforcement of this Act; and providing the effective date of this Act.

—and the Committee recommends that the Committee Substitute therefor, as reported herewith, pass.

And the Bill contained in the preceding report, with the recommended Committee Substitute attached thereto, was placed on the Calendar of Bills on Second Reading.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred, with Senate Amendments, for engrossing—

S. B. No. 118—A bill to be entitled An Act providing for the practice of physical therapy; defining and regulating the practice thereof; prescribing in the duties of the State Board of Medical Examiners under this Act; prescribing penalties for violation of this Act; and repealing Chapter 486, Florida Statutes, 1951, and all Acts amendatory thereto, and all Laws in conflict herewith.

—begs leave to report that the Senate Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 118, contained in the above report was ordered certified to the House of Representatives.

ENROLLING REPORTS

Your Enrolling Clerk, to whom was referred—

S. B. No. 84

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 17, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk to whom was referred—

H. B. No. 118

H. B. No. 272

H. B. No. 209

H. B. No. 287

H. B. No. 219

H. B. No. 288

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 17, 1957.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Senator Gautier moved that the rules be waived and Senate Bill No. 204, which passed the Senate on April 16, 1957, be immediately certified to the House of Representatives.

Which was agreed to by a two-third vote and it was so ordered.

Senator Boyd moved that the House of Representatives be respectfully requested to return House Bill No. 215 to the Senate for further consideration.

Which was agreed to and the action of the Senate was ordered certified to the House of Representatives.

Senator Pearce, Chairman of the Committee on Finance and Taxation, moved that the rules be waived and Senate Bill No. 138 be recalled from the Committee on Finance and Taxation and re-referred to an appropriate committee.

Which was agreed to by a two-thirds vote and Senate Bill No. 138 was re-referred to the Committee on Judiciary "A".

Senator Clarke, Chairman of the Committee on Public Utilities, moved that the rules be waived and the Committee on Public Utilities be allowed an additional ten days to report on Senate Bills Nos. 268 and 269, previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Bishop, Chairman of the Committee on Transportation and Traffic, moved that the rules be waived and the Committee on Transportation and Traffic be allowed an additional five days to report on all Bills previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Pope moved that the rules be waived and Senate Bill No. 136 be withdrawn from the Committee on State Institutions.

Which was agreed to by a two-thirds vote and it was so ordered.

By unanimous consent Senator Pope withdrew Senate Bill No. 136 from the further consideration of the Senate.

Senator Edwards, Chairman of the Committee on Education, moved that the rules be waived and the Committee on Education be allowed an additional five days to report on Senate Bills Nos. 50 and 177, previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Johns, Chairman of the Committee on Insurance, moved that the rules be waived and the Committee on Insurance be allowed an additional five days to report on all Bills previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Barber, Chairman of the Committee on Banking, moved that the rules be waived and the Committee on Banking be allowed an additional seven days to report on all Bills previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Boyd, Chairman of the Committee on Privileges and Elections, moved that the rules be waived and the Committee on Privileges and Elections be allowed an additional ten days to report on Senate Bills Nos. 378, 280 and 235, previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Knight requested unanimous consent of the Senate to have his name removed as co-introducer of Senate Bill No. 343.

Unanimous consent was granted.

Senator Adams, Chairman of the Committee on Agriculture, moved that the rules be waived and the Committee on Agriculture be allowed an additional five days to report on Senate Bills Nos. 245, 246 and 274, previously referred to the Committee.

Which was agreed to by a two-thirds vote and it was so ordered.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Bishop—

S. B. No. 379—A bill to be entitled An Act relating to compulsory school attendance; child welfare; amending Section 232.01, Florida Statutes, providing for compulsory school attendance.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Bishop—

S. B. No. 380—A bill to be entitled An Act relating to personnel of school systems; amending Section 231.50, Florida Statutes; providing for an increase in pension for teachers who have served thirty-five (35) years or more.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations.

By Senator Bishop—(By Request)—

Senate Concurrent Resolution No. 381:

A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE REPEAL OF THE FEDERAL EXCISE TAX UPON THE TRANSPORTATION OF PASSENGERS AND FREIGHT.

WHEREAS, The Federal excise tax upon the transportation of passengers and freight was adopted in 1942 as a wartime tax to discourage the movement of civilian passengers and freight during World War II; and,

WHEREAS, Today, eleven years after the cessation of hostilities, there continues a ten per cent levy on the transportation of passengers and a three per cent levy on the transportation of property, which taxes while collected by the common carriers of transportation by rail, by highway, by water and in the air, are imposed upon and collected from the users of such transportation; and,

WHEREAS, Millions of dollars in revenues are paid to the State of Florida by those common carriers; and,

WHEREAS, The tax upon the transportation of freight by reason of the transportation of raw materials to the point of manufacture and from the point of manufacture to processing and ultimate distribution to the consumer, frequently has a cumulative effect resulting in a heavy and burdensome tax upon the finished product and the consumer thereof; and,

WHEREAS, Such excise taxes on transportation by reason of the distance from the State of Florida and the markets for Florida products, agricultural, horticultural and manufactured, impose a heavy and undue burden upon Florida shippers and also tend to burden tourist travel to and from the State of Florida; and,

WHEREAS, The continuance of Federal excise taxes upon common carrier transportation of persons and property is no longer necessary; NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That we respectfully urge and request the Congress of the United States to enact legislation which will provide for the repeal of the Federal excise taxes upon the transportation of persons and property.

BE IT RESOLVED That the Secretary of State be directed to transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the Congress of the United States, and each member of the Florida delegation in the United States House of Representatives and the United States Senate and to the respective houses of the legislature of the several states of the United States.

Which was read the first time in full and referred to the Committee on Transportation and Traffic.

By Senator Stenstrom—

S. B. No. 382—A bill to be entitled An Act relating to search warrants; amending Section 933.18, Florida Statutes, relating to issuance of warrants for search of private dwellings; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By the Committee on Insurance—

S. B. No. 383—A bill to be entitled An Act amending Sections 185.06, 185.15, 185.21, and 185.26, Florida Statutes, relating to the Policemen's Retirement Fund; authorizing the Board of Trustees to purchase from life insurance companies annuity and life insurance contracts in amounts sufficient to provide, in whole or in part, the benefits under Chapter 185; repealing all laws in conflict herewith, and providing for the effective date of this Act.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Johns—

S. B. No. 384—A bill to be entitled An Act relating to liquefied petroleum gas; amending Section 526.12 (6), Florida Statutes, redefining "installation"; amending Section 526.13 relating to licensing and fees therefor of manufacturers and dealers of appliances and equipment, including dealers and persons installing appliances and equipment for use of such gas; creating a fund into which such fees are to be deposited, and appropriating same for use of the State Fire Marshal;

authorizing the State Insurance Commissioner to transfer to the fund created additional funds; amending Chapter 526 by adding Section 526.22, relating to cease and desist proceedings and suspension and revocation of licenses; repealing Section 526.19; providing an effective date.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By the Committee on Insurance—

✓ S. B. No. 385—A bill to be entitled An Act amending Section 175.03, Florida Statutes, relating to the Firemen's Relief and Pension Fund; authorizing the Board of Trustees to purchase from life insurance companies annuity and life insurance contracts in amounts sufficient to provide, in whole or in part, the benefits under Chapter 175; repealing all laws in conflict herewith, and providing for the effective date of this Act.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Hodges—

S. B. No. 386—A bill to be entitled An Act relating to salt water fisheries and conservation; amending Subsection (2) of Section 370.11, Florida Statutes; regulating the length of salt water fish to be taken.

Which was read the first time by title only and referred to the Committee on Game and Fisheries.

By the Committee on Temperance—

S. B. No. 387—A bill to be entitled An Act amending Section 561.20, Sub-section (2), Florida Statutes, relating to the limitation of number of beverage licenses and exceptions thereto.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Temperance—

S. B. No. 388—A bill to be entitled An Act amending Section 567.01, Sub-section (1), Florida Statutes, 1955, relating to the petition, order, and notice of election under local option elections and providing for the time of filing such petition and date of holding election, and repealing all laws in conflict herewith.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Carraway—

S. B. No. 389—A bill to be entitled An Act relating to the practice of chiropractic and amending Sections 460.06, 460.07, 460.11 and Subsection (3) of Section 460.13, Florida Statutes, and repealing all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Stenstrom—

S. B. No. 390—A bill to be entitled An Act relating to education; amending Subsection (1) of Section 236.07, Florida Statutes; providing for a change in the requirements of rank I in determining the training ranks of instructional personnel.

Which was read the first time by title only and referred to the Committee on Education.

✓ By Senator Stenstrom—

S. B. No. 391—A bill to be entitled An Act relating to education; amending Subsection (1) of Section 231.40, Florida Statutes; providing for the utilization of certain sick leave for religious holidays.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Johns—

S. B. No. 392—A bill to be entitled An Act amending Sub-section (1) of Section 455.06, Florida Statutes, relating to authority of certain political subdivisions to purchase liability insurance; and providing that such political subdivisions may

purchase liability insurance for ownership or operation of aircraft; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Insurance.

By Senators Stenstrom, Bronson, Rodgers and Barber—

S. B. No. 393—A bill to be entitled An Act providing for four additional Circuit Judges of the Ninth Judicial Circuit of Florida; providing where they shall reside, fixing their powers and fixing their compensation.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Brackin—

S. B. No. 394—A bill to be entitled An Act relating to Okaloosa County, Florida; providing for changing the name "Nigger Bayou" to "Bayou Chula Vista."

Which was read the first time by title only.

Senator Brackin moved that the rules be waived and Senate Bill No. 394 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 394 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 394 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 394 was read the third time in full.

Upon the passage of Senate Bill No. 394 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 394 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Rodgers—

S. B. No. 395—A bill to be entitled An Act relating to regional education; amending the sixth (6th) unnumbered paragraph of Section 244.02, Florida Statutes; providing an increase in the membership of the Board of Control for Southern Regional Education; providing an effective date.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Getzen—

S. B. No. 396—A bill to be entitled An Act creating the Sumter County Recreation and Water Conservation and Control Authority extending throughout the existing territorial limits of Sumter County, providing for a Governing Board of the Authority and defining its powers and duties; declaring the purposes for which the authority is created and declaring these to be public purposes; authorizing the levy of an annual tax of not exceeding two (2) mills upon all taxable real and personal property within the territorial limits of the authority; empowering the authority to acquire real and personal property or any rights therein by gift, purchase, lease, condemnation or eminent domain or otherwise; authorizing the authority to use and possess State land not used for a State purpose; authorizing the authority to acquire, construct, maintain and operate all works necessary

to carry out the purposes of the Act and to borrow money for the use of the authority and fixing an effective date.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 396 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Getzen moved that the rules be waived and Senate Bill No. 396 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 396 was read the second time by title only.

Senator Getzen moved that the rules be further waived and Senate Bill No. 396 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 396 was read the third time in full.

Upon the passage of Senate Bill No. 396 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 396 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Morgan—

S. B. No. 397—A bill to be entitled An Act amending Section 400.01(1), Florida Statutes, providing for the definition of nursing home and providing certain exemptions therefrom.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senators Adams, Edwards, Hodges, Hair, Stratton, Johns and Johnson—

S. B. No. 398—A bill to be entitled An Act to amend Section 231.31, Florida Statutes, and to repeal Section 231.32, Florida Statutes, relating to public school education; providing for recruitment of public school teachers; placement services for teachers; prescribing duties of coordinator of such services; providing for appropriation therefor; fixing effective date.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations.

By Senator Rawls—

S. B. No. 399—A bill to be entitled An Act to authorize and make valid testamentary devises and bequests to the trustee of an inter vivos trust and specifying the requirements therefor.

Which was read the first time by title only and referred to the Committee on Banking and the Committee on Judiciary "A".

By Senator Rawls—

S. B. No. 400—A bill to be entitled An Act relating to the East Gulf Coast Forest Research Center at Marianna; providing for office building and research facilities to carry on forest research in cooperation with the Florida Board of Forestry; making an appropriation for such facilities.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Rawls—

S. B. No. 401—A bill to be entitled An Act amending Section 734.041, Florida Statutes, 1955, relating to the apportionment and payment of Federal and State Estate and Death taxes.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Rawls—

S. B. No. 402—A bill to be entitled An Act relating to form and manner of presenting claims against estates of decedents, and limiting time for presentation; and relating to order of payment of claims against estates of decedents; and amending Sections 733.16, 733.19, and 733.20 (1) (g), Florida Statutes, respectively concerning such matters.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Rawls—

S. B. No. 403—A bill to be entitled An Act to amend Section 518.12, Florida Statutes, 1955, providing that nothing contained in Sections 518.10 through 518.14 shall be construed as conferring power of sale upon a fiduciary where none exists, nor authorize variation or departure from express terms of instrument under which fiduciary is acting, and defining the terms "legal investment" and "authorized investments."

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Rawls—

S. B. No. 404—A bill to be entitled An Act amending Section 734.23, Florida Statutes, 1955, relating to the granting of a discharge to personal representatives by the County Judge and specifying the effect thereof.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Rawls—

S. B. No. 405—A bill to be entitled An Act for the relief of Gearl H. O'Brien and Margaret O'Brien, for the negligence of the Florida State University Infirmary; providing for an appropriation; fixing an effective date.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Rodgers—

S. B. No. 406—A bill to be entitled An Act providing for the creation and establishment by the Board of Commissioners of State Institutions of the Division of Corrections, the Division of Child Training Schools, the Division of Tuberculosis Hospitals and the Division of Mental Hospitals; authorizing and empowering the Board to administer the institutions under the jurisdiction of each such division and to employ staff personnel for such purpose; changing the names of certain State institutions; transferring certain duties and powers of the State Road Department and Commissioner of Agriculture in connection with State convicts to the Board of Commissioners of State Institutions; abolishing the State Tuberculosis Board and transferring the duties and powers of such board to the Board of Commissioners of State Institutions; transferring the duties and powers of the State Board of Education and Board of Control in connection with the State School for the Deaf and Blind to the Board of Commissioners of State Institutions; and providing effective date.

Which was read the first time by title only and referred to the Committee on State Institutions and the Committee on Appropriations.

By Senator Shands—

S. B. No. 407—A bill to be entitled An Act relating to the execution of public securities.

Which was read the first time by title only and referred to the Committee on Cities and Towns.

By Senator Shands—

S. B. No. 408—A bill to be entitled An Act to amend Chapter 75, Florida Statutes, providing for the validation of bonds, certificates and other obligations, by inserting a new section to be numbered 75.071, providing for the consolidation of actions, and by amending Section 75.09, as amended, setting forth the effect of a final decree validating bonds, certificates or other obligations, and Section 75.11, providing for stamping or printing a statement on bonds, certificates or other obligations so validated.

Which was read the first time by title only and referred to the Committee on Cities and Towns.

By Senator Shands—

S. B. No. 409—A bill to be entitled An Act to amend Chapter 75, Florida Statutes, providing for the validation of bonds, certificates and other obligations, by inserting a new section to be numbered 75.17, making it a misdemeanor and prescribing penalties for any person, after the entry of a final decree validating bonds or other obligations, to bring or threaten to bring any suit, action or other proceeding for the sole purpose of delaying the issuance of bonds or other obligations or the expenditure of the proceeds thereof.

Which was read the first time by title only and referred to the Committee on Cities and Towns.

By Senator Cabot—

S. B. No. 410—A bill to be entitled An Act relating to pollution of water; amending Chapter 387, Florida Statutes, to create and add thereto Section 387.10 to authorize the institution and maintenance of proceedings for injunction to restrain violations of Chapter 387, and providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Belser—

S. B. No. 411—A bill to be entitled An Act relating to sales tax exemptions on farm and mining machinery; amending Subsection (2) of Section 212.08, Florida Statutes, providing an increase in exemption.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Carraway—

S. B. No. 412—A bill to be entitled An Act relating to education; providing for additional capital outlay funds; making an appropriation; requiring a county board of public instruction to furnish an equal amount of money before the money appropriated hereunder shall become available; requiring the funds to be used solely for construction and reconstruction of schools and fixing an effective date of this Act.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations.

By Senator Cabot—

S. B. No. 413—A bill to be entitled An Act relating to driver's licenses; amending Sections 322.17, 322.18 and Subsection (4) of Section 322.21, Florida Statutes, relating to fees for duplicate licenses; expiration date of licenses and fees of county judge for issuing licenses; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Transportation and Traffic.

The following message from the Honorable R. A. Gray, Secretary of State, was received and read:

Tallahassee, Florida
April 16, 1957

Hon. W. A. Shands
President of the Senate
Senate Chamber
Capitol

Dear Senator Shands:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you, for consideration of the Senate, the following vetoed bills, with the Governor's objections attached thereto, viz:

Senate Bill No. 332

"An Act amending Chapter 320, Florida Statutes 1953, relating to motor vehicle licenses, etc.; by adding Section 320.171 authorizing the motor vehicle commissioner to permit certain motor bus common carriers using the highways of Florida for transporting persons for compensation an alternative method of registering and licensing motor buses for operation in the State, and providing for such method."

Senate Bill No. 393

"An Act for the relief of V. P. Selph, member of the Barbers' Sanitary Commission, for compensation during the time he was suspended by the Governor as such, the said suspension never having been confirmed by the State Senate."

Senate Bill No. 508

"An Act to require the State Board of Control to submit a schedule of certain fees and charges for institutions of higher learning with the Legislative budgets and to prohibit an increase in such fees and charges."

Senate Bill No. 542

"An Act to impose the same requirements on foreign and alien insurance companies doing business in this State as is required of Florida insurance companies doing business in other States and countries; authorizing the insurance commissioner to forthwith suspend or revoke the certificate of authority of all insurance companies doing business in this State which are organized under the Laws of a State or country that refuses to admit a Florida insurance company to do business in such State or country if the commissioner is satisfied that the Florida insurance company is solvent, properly managed, and can operate legally under the Laws of such other State or country; repealing all laws in conflict herewith, and providing for the effective date of this Act."

Senate Bill No. 580

"An Act appropriating an additional six hundred thirty-six thousand eight hundred eighty dollars (\$636,880.00) to the Military Department of the State of Florida for construction and equipment of National Guard Armories; location of Armory in Jackson County; providing effective date."

Senate Bill No. 590

"An Act amending Subsections (3) and (5) of Section 101.151, Florida Statutes, and Section 101.36, Florida Statutes; deleting and repealing the provisions relating to a single act of voting for all unopposed candidates at a general election."

Senate Bill No. 697

"An Act allowing, as a claim against the State of Florida, fifty dollars a month for seventy-two months due to W. R. Faircloth, former tax collector of Holmes County, Florida, for loss of compensation in consequence of his suspension from office by the Governor of the State of Florida under Section 15 of Article IV of the Constitution of the State of Florida, and providing for the payment of said claim."

Senate Bill No. 971

"An Act authorizing the Governor to appoint commissioners to determine the population of any Judicial Circuit."

Senate Bill No. 1127

"An Act relating to filing of claims for homestead tax exemption in all counties of the State having a population of not less than twenty-nine thousand (29,000) and not more than thirty-four thousand (34,000) inhabitants by the last federal census, and providing that such claims need not be filed annually."

Senate Bill No. 1153

"An Act to provide that in all counties having a population of not less than eighty thousand (80,000) nor more than one hundred fourteen thousand nine hundred (114,900) inhabitants

according to the last official census, it shall not be necessary to file annual claims for homestead exemption, in instances where previously filed and allowed, but such exemptions shall be allowed from year to year under certain terms and conditions; amending Section 192.16, Florida Statutes, pertaining to claims for homestead exemptions accordingly; and providing penalties."

Senate Bill No. 1214

"An Act to amend Section 3 of Chapter 28819, Laws of 1953, relating to compensation of special investigators for the State Attorney of all Judicial Circuits of the State of Florida, embracing a county having a population of (450,000) or more according to the most recent official census."

Senate Bill No. 1319

"An Act to provide that in all counties having a population of not less than eight thousand nine hundred (8,900) nor more than eight thousand nine hundred and fifty (8,950) and all counties having a population of not less than eleven thousand four hundred and fifty (11,450) nor more than eleven thousand five hundred (11,500) inhabitants according to the last state wide official census, it shall not be necessary to file annual claims for homestead exemption in the instances where previously filed and allowed, but such exemptions shall be allowed from year to year under certain terms and conditions; amending Section 192.16, Florida Statutes, pertaining to claims for homestead exemptions accordingly; and providing penalties."

Senate Bill No. 1368

"An Act fixing the compensation of the Superintendent of Public Instruction; designating the times and installments in which and the fund from which same shall be paid in counties in the State having a population of not less than four thousand (4,000) and not more than five thousand (5,000) inhabitants according to the latest official census."

Senate Bill No. 1407

"An Act to create a fund to be known as a special grand jury fund in each Judicial Circuit of the State of Florida embracing a county having a population of four hundred eighty nine thousand (489,000) or more, according to the last federal census; to make an appropriation of money therefor; to provide the purpose for which said money shall be used, and the method of disbursing same and repealing Chapter 25765 Laws of Florida, 1949, and providing an effective date therefor."

Very truly yours,

R. A. GRAY
Secretary of State.

S. B. No. 332 (1955 Regular Session)—"An Act amending Chapter 320, Florida Statutes 1953, relating to motor vehicle licenses, etc.; by adding Section 320.171 authorizing the Motor Vehicle Commissioner to permit certain motor bus common carriers using the highways of Florida for transporting persons for compensation an alternative method of registering and licensing motor buses for operation in the State, and providing for such method."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my

objections, Senate Bill 332, enacted by the Legislature of 1955, and entitled:

"AN ACT AMENDING CHAPTER 320, FLORIDA STATUTES 1953, RELATING TO MOTOR VEHICLE LICENSES, ETC.; BY ADDING SECTION 320.171 AUTHORIZING THE MOTOR VEHICLE COMMISSIONER TO PERMIT CERTAIN MOTOR BUS COMMON CARRIERS USING THE HIGHWAYS OF FLORIDA FOR TRANSPORTING PERSONS FOR COMPENSATION AN ALTERNATIVE METHOD OF REGISTERING AND LICENSING MOTOR BUSES FOR OPERATION IN THE STATE, AND PROVIDING FOR SUCH METHOD."

Article IX, Section 11, of the State Constitution requires the Legislature to provide for a uniform and equal rate of taxation. The Legislature, in imposing an excise tax, may reasonably classify property for the purpose of taxation, provided the classification is reasonable, not arbitrary, and rests upon some ground of difference, having a fair and substantial relation to the object sought to be accomplished. All persons similarly circumstanced must be treated alike.

Senate Bill 332 appears to segregate from the general classification of all motor passenger buses operated within the state, those only which are operated within and without the state, and to confer upon this separated class privileges not enjoyed by the general class. It would authorize the special class to operate between points within the state in competition with fleet owners of the general class, but would relieve them from the payment of the same license tax imposed upon the general class and create a different method of computation of the tax; with the result that the special class would be required to pay a tax limited upon the mileage traveled within the State during the license year, while the general class would be taxed a fixed license fee upon each vehicle, based upon capacity, regardless of the extent of its use. This does not appear to me to be a fair, reasonable, equitable classification. There appears a further discrimination in favor of passenger carrying vehicles and against vehicles employed in the transportation and carriage of goods for hire, without any apparent reasonable basis for such classification, the character and use of the vehicles being identical.

The title of the Act clearly indicates that the additional power vested in the commissioner is merely permissive and discretionary with the commissioner as to which of the alternative methods of computation of the tax may be employed, while the body of the Act is mandatory, requiring the commissioner to adopt the method prescribed by the statute.

The Motor Vehicle Commissioner advises me that under this bill it will be necessary for her to set up and maintain a staff of employees to supervise compliance therewith and to audit and verify the reports and the returns made by the carriers required to be made and submitted upon which the tax computation will be made.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill 332, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 332 (1955 Regular Session) the roll was called and the vote was:

Yeas—1

Belser

Nays—37.

Mr. President	Bronson	Eaton	Johnson
Adams	Cabot	Edwards	Kelly
Barber	Carlton	Gautier	Kickliter
Beall	Carraway	Getzen	Knight
Bishop	Clarke	Hair	Morgan
Boyd	Connor	Hodges	Neblett
Brackin	Davis	Houghton	Pearce
Branch	Dickinson	Johns	Pope

Rawls Rood Stratton
Rogers Stenstrom

So Senate Bill No. 332 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 393 (1955 Regular Session)—“An Act for the relief of V. P. Selph, member of the Barbers' Sanitary Commission, for compensation during the time he was suspended by the Governor as such, the said suspension never having been confirmed by the State Senate.”

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

*Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida*

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 393, enacted by the Legislature of 1955 and entitled:

“AN ACT FOR THE RELIEF OF V. P. SELPH, MEMBER OF THE BARBERS' SANITARY COMMISSION, FOR COMPENSATION DURING THE TIME HE WAS SUSPENDED BY THE GOVERNOR AS SUCH. THE SAID SUSPENSION NEVER HAVING BEEN CONFIRMED BY THE STATE SENATE.”

This bill failed to pass the House by a two-thirds majority of the vote of the membership and the Attorney General ruled that the bill was an appropriation bill and not a claim bill. As an appropriation bill, it seeks to appropriate money not from the General Revenue Fund of the State, but from the Barbers' Sanitary Commission Fund, whose monies are derived by the payment of license fees by barbers for the privilege of practicing their profession. The fund is used for the regulation of the barber profession. To appropriate such a sum as this bill seeks to appropriate from the Barbers' Sanitary Commission Fund would hamper the discharge of the duties of the Board as required by law.

If this is an obligation to pay, it arises by virtue of the alleged incorrectness of the decision of a Chief Executive of the State. The obligation, if any, is, therefore, that of the State and the burden should not be saddled upon the barbers who were not responsible therefor. None of the other bills passed during this session for reimbursement to suspended officials provides for payment from a source of this nature.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 393, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor.

The President put the question, “Shall the Bill pass, the Governor's objections to the contrary notwithstanding?”

Upon the passage of Senate Bill No. 393 (1955 Regular Session) the roll was called and the vote was:

Yeas—2.

Belser Johns

Nays—35.

Mr. President	Bishop	Cabot	Connor
Adams	Boyd	Carlton	Davis
Barber	Brackin	Carraway	Dickinson
Beall	Bronson	Clarke	Eaton

Edwards	Houghton	Morgan	Rodgers
Gautier	Johnson	Neblett	Rood
Getzen	Kelly	Pearce	Stenstrom
Hair	Kickliter	Pope	Stratton
Hodges	Knight	Rawls	

So Senate Bill No. 393 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 508 (1955 Regular Session)—“An Act to require the State Board of Control to submit a schedule of certain fees and charges for institutions of higher learning with the Legislative budgets and to prohibit an increase in such fees and charges.”

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

*Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida*

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 508, enacted by the Legislature of 1955, and entitled:

“AN ACT TO REQUIRE THE STATE BOARD OF CONTROL TO SUBMIT A SCHEDULE OF CERTAIN FEES AND CHARGES FOR INSTITUTIONS OF HIGHER LEARNING WITH THE LEGISLATIVE BUDGETS AND TO PROHIBIT AN INCREASE IN SUCH FEES AND CHARGES.”

Under this bill, all fees and other charges assessed against students enrolled in the University of Florida, the Florida State University, and the Florida Agricultural and Mechanical University, once filed with the Budget Commission and the Legislature, could not be increased during the biennium for which the schedule had been submitted. Such schedules of necessity are filed in advance of the start of the biennium.

There may very well occur instances when the University authorities and the Board of Control cannot anticipate so far in advance and for so long a period all conditions which will arise. In the past occasional instances have occurred when increases in such fees and charges were not only desirable, from the standpoint of sound business administration, but even necessary to keep essential functions of the universities in operation.

In my opinion, a certain amount of flexibility of authority must be allowed the Board of Control, in order that the Universities may operate on a sound basis.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 508, Regular Session of the Legislature, 1955, and do hereby veto same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, “Shall the Bill pass, the Governor's objections to the contrary notwithstanding?”

Upon the passage of Senate Bill No. 508 (1955 Regular Session) the roll was called and the vote was:

Yeas—4.

Belser Bishop Neblett Stratton

Nays—32.

Mr. President	Carraway	Getzen	Knight
Adams	Clarke	Hair	Morgan
Barber	Connor	Hodges	Pearce
Beall	Davis	Houghton	Pope
Boyd	Dickinson	Johns	Rawls
Brackin	Eaton	Johnson	Rodgers
Cabot	Edwards	Kelly	Rood
Carlton	Gautier	Kickliter	Stenstrom

So Senate Bill No. 508 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 542 (1955 Regular Session)—“An Act to impose the same requirements on foreign and alien insurance companies doing business in this state as is required of Florida insurance companies doing business in other States and countries; authorizing the insurance commissioner to forthwith suspend or revoke the certificate of authority of all insurance companies doing business in this State which are organized under the Laws of a State or country that refuses to admit a Florida insurance company to do business in such state or country if the commissioner is satisfied that the Florida insurance company is solvent, properly managed, and can operate legally under the Laws of such other state or country; repealing all laws in conflict herewith, and providing for the effective date of this Act.”

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

*Honorable R. A. Gray
Secretary of State
Tallahassee, Florida*

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 542, enacted by the Legislature of 1955, and entitled:

“AN ACT TO IMPOSE THE SAME REQUIREMENTS ON FOREIGN AND ALIEN INSURANCE COMPANIES DOING BUSINESS IN THIS STATE AS IS REQUIRED OF FLORIDA INSURANCE COMPANIES DOING BUSINESS IN OTHER STATES AND COUNTRIES; AUTHORIZING THE INSURANCE COMMISSIONER TO FORTHWITH SUSPEND OR REVOKE THE CERTIFICATE OF AUTHORITY OF ALL INSURANCE COMPANIES DOING BUSINESS IN THIS STATE WHICH ARE ORGANIZED UNDER THE LAWS OF A STATE OR COUNTRY THAT REFUSES TO ADMIT A FLORIDA INSURANCE COMPANY TO DO BUSINESS IN SUCH STATE OR COUNTRY IF THE COMMISSIONER IS SATISFIED THAT THE FLORIDA INSURANCE COMPANY IS SOLVENT, PROPERLY MANAGED, AND CAN OPERATE LEGALLY UNDER THE LAWS OF SUCH OTHER STATE OR COUNTRY; REPEALING ALL LAWS IN CONFLICT HEREWITH, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ACT.”

Except for Section 2, this Bill contains the same provisions as were set forth in Senate Bill No. 77, enacted at the 1955 session, which became law without my approval on May 21, 1955, and now is designated as Chapter 29680, Laws of Florida. In view of the enactment of Chapter 29680, there is obviously no need for repetition in another law of the same provisions.

Section 2 of Senate Bill No. 542 would confer upon the Insurance Commissioner of Florida authority to pass upon the legal question or questions of whether a Florida company seeking to be admitted in another State had fully complied with the applicable laws of such other State for admission. The question of whether the Florida company had met the legal requirements of another State is a matter which appropriately should be determined by the Courts of such other State, and

resort to such Courts is open to a Florida company to obtain such relief as it may be entitled to receive.

Admittedly, there is a duty on the part of our State reasonably to protect and encourage the growth and prosperity of Florida corporations. However, such protection and promotion should not take the form of prohibiting out of state corporations, which are able and willing to comply with Florida law, from doing business in this State simply because the public officials of the State of their domicile have, in the opinion of the Florida Insurance Commissioner, proceeded unlawfully against some resident of Florida seeking to do business there. Such would not be government by law, but government by men; not government by reason and justice, but government by vindictiveness and retaliation.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 542, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,
LEROY COLLINS
Governor

The President put the question, “Shall the Bill pass, the Governor's objections to the contrary notwithstanding?”

Upon the passage of Senate Bill No. 542 (1955 Regular Session) the roll was called and the vote was:

Yeas—2.

Belser Kickliter

Nays—33.

Mr. President	Carraway	Hodges	Pope
Adams	Clarke	Houghton	Rawls
Barber	Connor	Johns	Rodgers
Beall	Davis	Johnson	Rood
Bishop	Dickinson	Kelly	Stenstrom
Boyd	Eaton	Knight	Stratton
Brackin	Gautier	Morgan	
Cabot	Getzen	Neblett	
Carlton	Hair	Pearce	

So Senate Bill No. 542 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 580 (1955 Regular Session)—“An Act appropriating an additional six hundred thirty-six thousand eight hundred eighty dollars (\$636,880.00) to the Military Department of the State of Florida for construction and equipment of National Guard Armories; location of Armory in Jackson county; providing effective date.”

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

*Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida*

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 580, enacted by the Legislature of 1955, and entitled:

“AN ACT APPROPRIATING AN ADDITIONAL SIX HUNDRED THIRTY-SIX THOUSAND EIGHT HUNDRED EIGHTY DOLLARS (\$636,880.00) TO THE MILITARY DEPARTMENT OF THE STATE OF FLORIDA FOR CONSTRUCTION AND EQUIPMENT OF NATIONAL GUARD ARMORIES; LOCATION OF ARMORY IN JACKSON COUNTY; PROVIDING EFFECTIVE DATE.”

This bill seeks to appropriate \$636,880.00 for construction

of national guard armories. The general appropriation bill, Section 2, Item 15, also carries in it specific appropriations for construction of the same armories. To avoid this duplication one of these appropriations should be nullified. In conference with the Adjutant General, it was agreed that Section 2, Item 15, in the general appropriation bill should prevail.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 580, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 580 (1955 Regular Session) the roll was called and the vote was:

Yeas—1

Belser

Nays—37

Mr. President	Carlton	Hair	Pearce
Adams	Carraway	Hodges	Pope
Barber	Clarke	Houghton	Rawls
Beall	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	
Cabot	Getzen	Neblett	

So Senate Bill No. 580 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 590 (1955 Regular Session)—"An Act amending Subsections (3) and (5) of Section 101.151, Florida Statutes and Section 101.36, Florida Statutes; deleting and repealing the provisions relating to a single act of voting for all unopposed candidates at a general election."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State Capitol
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 590, enacted by the Legislature of 1955, and entitled:

"AN ACT AMENDING SUBSECTIONS (3) AND (5) OF SECTION 101.151, FLORIDA STATUTES, AND SECTION 101.36, FLORIDA STATUTES; DELETING AND REPEALING THE PROVISIONS RELATING TO A SINGLE ACT OF VOTING FOR ALL UNOPPOSED CANDIDATES AT A GENERAL ELECTION."

This Bill seeks to amend Sections 101.151 and 101.36, Florida Statutes, by eliminating the provision for a single lever or X mark to vote for unopposed candidates. In amending Section 101.151, the Bill fails to clarify the ballot heading for members of the State House of Representatives. This was taken care of by a Bill (Senate Bill No. 1134) passed later in the Session. Furthermore, the amending of Section 101.36 does not appear to be adequate to remove all questions regarding offices for which only one candidate appears on the

ballot. Senate Bill No. 1134 adequately covers this also and will take effect 60 days after the close of the Session.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 590, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 590 (1955 Regular Session) the roll was called and the vote was:

Yeas—3.

Belser Connor Gautier

Nays—35.

Mr. President	Cabot	Hair	Neblett
Adams	Carlton	Hodges	Pearce
Barber	Carraway	Houghton	Pope
Beall	Clarke	Johns	Rawls
Bishop	Davis	Johnson	Rodgers
Boyd	Dickinson	Kelly	Rood
Brackin	Eaton	Kicklitter	Stenstrom
Branch	Edwards	Knight	Stratton
Bronson	Getzen	Morgan	

So Senate Bill No. 590 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 697 (1955 Regular Session)—"An Act allowing, as a claim against the State of Florida, fifty dollars a month for seventy-two months due to W. R. Faircloth, former Tax Collector of Holmes County, Florida, for loss of compensation in consequence of his suspension from office by the Governor of the State of Florida under Section 15 of Article IV of the Constitution of the State of Florida, and providing for the payment of said claim."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 697, enacted by the Legislature of 1955 and entitled:

"AN ACT ALLOWING, AS A CLAIM AGAINST THE STATE OF FLORIDA, FIFTY DOLLARS A MONTH FOR SEVENTY TWO MONTHS DUE TO W. R. FAIRCLOTH, FORMER TAX COLLECTOR OF HOLMES COUNTY, FLORIDA, FOR LOSS OF COMPENSATION IN CONSEQUENCE OF HIS SUSPENSION FROM OFFICE BY THE GOVERNOR OF THE STATE OF FLORIDA UNDER SECTION 15 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF FLORIDA, AND PROVIDING FOR THE PAYMENT OF SAID CLAIM."

Section 95.37, Florida Statutes, 1953, provides:

"No claims against the State of Florida shall be presented to the Legislature more than four years after the cause of relief accrued. Any claim presented after this time of limitation shall be void and unenforceable."

The claim, if valid, matured sixteen years ago. Whether it has been presented or considered in intervening sessions of the Legislature is not indicated but, if so, obviously it has been rejected. There is no finding of any disability on the part of the claimant or other extenuating circumstances excusing the long delay in presentation.

The purpose of this general law is clear. Statutes of limitation are provided to protect individuals and corporations from stale claims and the State should be afforded the same protection.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill 697, regular session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 697 (1955 Regular Session) the roll was called and the vote was:

Yeas—4.

Belser	Connor	Rawls	Stratton
--------	--------	-------	----------

Nays—34.

Mr. President	Cabot	Getzen	Morgan
Adams	Carlton	Hair	Neblett
Barber	Carraway	Hodges	Pearce
Beall	Clarke	Houghton	Pope
Bishop	Davis	Johns	Rodgers
Boyd	Dickinson	Johnson	Rood
Brackin	Eaton	Kelly	Stenstrom
Branch	Edwards	Kickliter	
Bronson	Gautier	Knight	

So Senate Bill No. 697 (1955 Regular Session) failed to pass over the Governor's veto.

Senator Brackin moved that the Senate reconsider the vote by which Senate Bill No. 697 (1955 Regular Session) failed to pass the Senate over the Governor's veto.

Senator Pope raised a point of order that a motion to reconsider cannot be applied to the action taken by the Senate on a Veto Message and therefore the motion made by Senator Brackin was out of order.

The President sustained the point of order and ruled the motion by Senator Brackin to be out of order.

S. B. No. 971 (1955 Regular Session)—"An Act authorizing the Governor to appoint commissioners to determine the population of any Judicial Circuit."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you with my objections, Senate Bill No. 971, enacted by the Legislature of 1955, and entitled:

"AN ACT AUTHORIZING THE GOVERNOR TO APPOINT COMMISSIONERS TO DETERMINE THE POPULATION OF ANY JUDICIAL CIRCUIT."

Article V, Section 43 and 45 of the State Constitution per-

mits the creating of additional circuit judgeships based on increases in population of the State's judicial circuits.

Although a mandatory statewide census is no longer required under the Constitution, the Legislature retains the authority to effectuate the taking of census within the State. By specific legislative act, a census may be taken for the purpose of qualifying a judicial circuit for an additional circuit judge. I don't believe the Constitution contemplates the establishment of population by any method short of an actual census count.

Under Senate Bill No. 971, three commissioners may report population figures to the Governor which they derive from methods conjured up by them. This Bill delegates to the Governor authority without sufficient or adequate safeguards and leaves too much decision based upon conjecture.

For the foregoing reason, I, therefore, withhold my approval of Senate Bill No. 971, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objection to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 971 (1955 Regular Session) the roll was called and the vote was:

Yeas—None.

Nays—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

So Senate Bill No. 971 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 1127 (1955 Regular Session)—"An Act relating to filing of claims for homestead tax exemption in all counties of the State having a population of not less than twenty-nine thousand (29,000) and not more than thirty-four thousand (34,000) inhabitants by the last federal census, and providing that such claims need not be filed annually."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955.

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1127, enacted by the Legislature of 1955, and entitled:

"AN ACT RELATING TO FILING OF CLAIMS FOR HOMESTEAD TAX EXEMPTION IN ALL COUNTIES OF THE STATE HAVING A POPULATION OF NOT LESS THAN TWENTY-NINE THOUSAND (29,000) AND NOT MORE THAN THIRTY-FOUR THOUSAND (34,000) INHABITANTS BY THE LAST FEDERAL

**CENSUS AND PROVIDING THAT SUCH CLAIMS
NEED NOT BE FILED ANNUALLY."**

Senate Bill 127, which would have had the effect of providing on a State-wide basis for automatic renewal of homestead tax exemption without affirmative act by the claimant, was rejected by the Legislature in this Session.

Senate Bill 1127 purports to grant this same privilege to the taxpayers of Monroe County only. It was passed as a local bill. Numerous problems of a serious nature can be anticipated if the act is sought to be put into effect. Regardless of these, however, I believe the best interests of the people of the State require that uniform consideration in matters of this kind be given to the taxpayers of all counties. To achieve this purpose, the Constitution, Article III, Section 20, requires that laws dealing with the duties of county officials and for the assessment and collection of taxes for State and County purposes shall be general and not special or local. The fact that this Bill is given a veneer of general application by the use of population figures makes the same no less one of purely local application.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill 1127, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

**LeROY COLLINS,
Governor**

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1127 (1955 Regular Session) the roll was called and the vote was:

Yeas—1.

Belser

Nays—37.

Mr. President	Carlton	Hair	Pearce
Adams	Carraway	Hodges	Pope
Barber	Clarke	Houghton	Rawls
Beall	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	
Cabot	Getzen	Neblett	

So Senate Bill No. 1127 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 1153 (1955 Regular Session)—"An Act to provide that in all counties having a population of not less than eighty thousand (80,000) nor more than one hundred fourteen thousand nine hundred (114,900) inhabitants according to the last official census, it shall not be necessary to file annual claims for homestead exemption, in instances where previously filed and allowed, but such exemptions shall be allowed from year to year under certain terms and conditions; amending Section 192.16, Florida Statutes, pertaining to claims for homestead exemptions accordingly; and providing penalties."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

*Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida*

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Con-

stitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1153, enacted by the Legislature of 1955, and entitled:

"AN ACT TO PROVIDE THAT IN ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN EIGHTY THOUSAND (80,000) NOR MORE THAN ONE HUNDRED FOURTEEN THOUSAND NINE HUNDRED (114,900) INHABITANTS ACCORDING TO THE LAST OFFICIAL CENSUS, IT SHALL NOT BE NECESSARY TO FILE ANNUAL CLAIMS FOR HOMESTEAD EXEMPTION, IN INSTANCES WHERE PREVIOUSLY FILED AND ALLOWED, BUT SUCH EXEMPTIONS SHALL BE ALLOWED FROM YEAR TO YEAR UNDER CERTAIN TERMS AND CONDITIONS; AMENDING SECTION 192.16, FLORIDA STATUTES, PERTAINING TO CLAIMS FOR HOMESTEAD EXEMPTIONS ACCORDINGLY; AND PROVIDING PENALTIES."

Senate Bill No. 127, which would have had the effect of providing on a statewide basis for automatic renewal of homestead tax exemption without affirmative act by the claimant, was rejected by the Legislature in this Session.

Senate Bill No. 1153 purports to grant this same privilege to the taxpayers of Broward County only. It was passed as a local bill. Numerous problems of a serious nature can be anticipated if the act is sought to be put into effect. Regardless of these, however, I believe the best interests of the people of the State require that uniform consideration in matters of this kind be given to the taxpayers of all counties. To achieve this purpose, the Constitution, Article III, Section 20, requires that laws dealing with the duties of county officials and for the assessment and collection of taxes for State and County purposes shall be general and not special or local. The fact that this Bill is given a veneer of general application by the use of population figures makes the same no less one of purely local application.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 1153, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

**LeROY COLLINS
Governor**

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1153 (1955 Regular Session) the roll was called and the vote was:

Yeas—1.

Johns

Nays—37.

Mr. President	Cabot	Getzen	Pearce
Adams	Carlton	Hair	Pope
Barber	Carraway	Hodges	Rawls
Beall	Clarke	Houghton	Rodgers
Belser	Connor	Johnson	Rood
Bishop	Davis	Kelly	Stenstrom
Boyd	Dickinson	Kickliter	Stratton
Brackin	Eaton	Knight	
Branch	Edwards	Morgan	
Bronson	Gautier	Neblett	

So Senate Bill No. 1153 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 1214 (1955 Regular Session)—"An Act to amend Section 3 of Chapter 28819, Laws of 1953, relating to compensation of special investigators for the State Attorney of all Judicial Circuits of the State of Florida, embracing a county having a population of (450,000) or more according to the most recent official census."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1214, enacted by the Legislature of 1955, and entitled:

"AN ACT TO AMEND SECTION 3 OF CHAPTER 28819, LAWS OF 1953, RELATING TO COMPENSATION OF SPECIAL INVESTIGATORS FOR THE STATE ATTORNEY OF ALL JUDICIAL CIRCUITS OF THE STATE OF FLORIDA EMBRACING A COUNTY HAVING A POPULATION OF (450,000) OR MORE ACCORDING TO THE MOST RECENT OFFICIAL CENSUS."

Section 3 of subject Bill provides for the salary of the special investigators in all counties of the State having a population of 450,000 or more, according to the most recent official census. The same subject matter is also contained in Section 3 of Senate Bill No. 1410, passed in the 1955 Legislative session, which is entitled:

"AN ACT PROVIDING FOR THE EMPLOYMENT, DUTIES, POWERS AND COMPENSATION OF SPECIAL INVESTIGATORS FOR THE STATE ATTORNEYS OF ALL JUDICIAL CIRCUITS OF THE STATE OF FLORIDA EMBRACING A COUNTY HAVING A POPULATION OF FOUR HUNDRED NINETY THOUSAND (490,000) OR MORE ACCORDING TO THE LATEST FEDERAL CENSUS; TO ASSIST THE SAID STATE ATTORNEYS OF SUCH CIRCUITS IN THE DETECTION AND INVESTIGATION OF CRIMES WITHIN SUCH COUNTY OF SUCH CIRCUIT, INCLUDING THE AUTHORITY TO APPREHEND AND ARREST PERSONS IN CONNECTION WITH THE VIOLATION OF ANY OF THE LAWS OF THIS STATE; AUTHORIZING THEM TO SERVE PROCESSES OR COURT ORDERS IN CERTAIN CASES; TO HAVE ALL THE POWERS AND DUTIES OF A DEPUTY SHERIFF; TO BE REQUIRED TO TAKE AN OATH AND GIVE BOND; TO HAVE NO AUTHORITY TO OPERATE IN ANY COUNTY OUTSIDE OF THE COUNTY IN WHICH THEY ARE EMPLOYED; REQUIRING ALL OF THE ENFORCEMENT OFFICERS AND ALL PERSONS WITH KNOWLEDGE OF A CRIME PUNISHABLE BY DEATH TO NOTIFY THE STATE ATTORNEY AND ASSISTANT STATE ATTORNEYS OR A SPECIAL INVESTIGATOR CONCERNING SUCH CRIMES; PROVIDING FOR SEVERABILITY OF THE VARIOUS PROVISIONS OF THE ACT, REPEALING OF ALL LAWS IN CONFLICT IN THE ACT."

Since the same subject matter is contained in this subsequent law passed by the 1955 Legislature, the sponsors agree that Senate Bill No. 1214 is unnecessary.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 1214, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1214 (1955 Regular Session) the roll was called and the vote was:

Yeas—1

Belser

Nays—37

Mr. President	Carlton	Hair	Pearce
Adams	Carraway	Hodges	Pope
Barber	Clarke	Houghton	Rawls
Beall	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	
Cabot	Getzen	Neblett	

So Senate Bill No. 1214 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 1319 (1955 Regular Session)—"An Act to provide that in all counties having a population of not less than eight thousand nine hundred (8,900) nor more than eight thousand nine hundred and fifty (8,950) and all counties having a population of not less than eleven thousand four hundred and fifty (11,450) nor more than eleven thousand five hundred (11,500) inhabitants according to the last State wide official census, it shall not be necessary to file annual claims for homestead exemption in the instances where previously filed and allowed, but such exemptions shall be allowed from year to year under certain terms and conditions; amending Section 192.16, Florida Statutes, pertaining to claims for homestead exemptions accordingly; and providing penalties."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955.

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1319, enacted by the Legislature of 1955, and entitled:

"AN ACT TO PROVIDE THAT IN ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN EIGHT THOUSAND NINE HUNDRED (8,900) NOR MORE THAN EIGHT THOUSAND NINE HUNDRED AND FIFTY (8,950) AND ALL COUNTIES HAVING A POPULATION OF NOT LESS THAN ELEVEN THOUSAND FOUR HUNDRED AND FIFTY (11,450) NOR MORE THAN ELEVEN THOUSAND FIVE HUNDRED (11,500) INHABITANTS ACCORDING TO THE LAST STATE WIDE OFFICIAL CENSUS, IT SHALL NOT BE NECESSARY TO FILE ANNUAL CLAIMS FOR HOMESTEAD EXEMPTION IN THE INSTANCES WHERE PREVIOUSLY FILED AND ALLOWED, BUT SUCH EXEMPTIONS SHALL BE ALLOWED FROM YEAR TO YEAR UNDER CERTAIN TERMS AND CONDITIONS; AMENDING SECTION 192.16, FLORIDA STATUTES, PERTAINING TO CLAIMS FOR HOMESTEAD EXEMPTIONS ACCORDINGLY; AND PROVIDING PENALTIES."

Senate Bill No. 127, which would have had the effect of providing on a State-wide basis for automatic renewal of homestead tax exemption without affirmative act by the claimant, was rejected by the Legislature in this Session.

Senate Bill No. 1319 purports to grant this same privilege to the taxpayers of Bradford County only. It was passed as a local bill. Numerous problems of a serious nature can be anticipated if the act is sought to be put into effect. Regardless of these, however, I believe the best interests of the people of the State require that uniform consideration in matters of this kind be given to the taxpayers of all counties. To achieve this purpose, the Constitution, Article III, Section 20, requires

that laws dealing with the duties of county officials and for the assessment and collection of taxes for State and County purposes shall be general and not special or local. The fact that this bill is given a veneer of general application by the use of population figures makes the same no less one of purely local application.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 1319, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1319 (1955 Regular Session) the roll was called and the vote was:

Yeas—23.

Mr. President	Branch	Hair	Morgan
Adams	Bronson	Hodges	Neblett
Barber	Connor	Johns	Pearce
Beall	Davis	Johnson	Rawls
Belser	Edwards	Kelly	Stratton
Bishop	Getzen	Knight	

Nays—14.

Boyd	Carraway	Houghton	Rood
Brackin	Clarke	Kickliter	Stenstrom
Cabot	Eaton	Pope	
Carlton	Gautier	Rodgers	

So Senate Bill No. 1319 (1955 Regular Session) failed to pass over the Governor's veto by the required Constitutional two-thirds vote.

S. B. No. 1368 (1955 Regular Session)—"An Act fixing the compensation of the Superintendent of Public Instruction; designating the times and installments in which and the fund from which same shall be paid in counties in the State having a population of not less than four thousand (4,000) and not more than five thousand (5,000) inhabitants according to the latest official census."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1368, enacted by the Legislature of 1955, and entitled:

"AN ACT FIXING THE COMPENSATION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION; DESIGNATING THE TIMES AND INSTALLMENTS IN WHICH AND THE FUND FROM WHICH SAME SHALL BE PAID IN COUNTIES IN THE STATE HAVING A POPULATION OF NOT LESS THAN FOUR THOUSAND (4,000) AND NOT MORE THAN FIVE THOUSAND (5,000) INHABITANTS ACCORDING TO THE LATEST OFFICIAL CENSUS."

This is a population act, having the proposed effect of fixing the salary of the Superintendent of Public Instruction of Charlotte County, Florida, at the average annual compensation paid to other Charlotte County officials.

If allowed to become law, this Bill would cause a great in-

justice to the Superintendent of Public Instruction of Charlotte County, and would drastically curtail his salary. This fact became apparent to the sponsors of the bill after its passage, and they requested this executive veto.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill No. 1368, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1368 (1955 Regular Session) the roll was called and the vote was:

Yeas—None.

Nays—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

So Senate Bill No. 1368 (1955 Regular Session) failed to pass over the Governor's veto.

S. B. No. 1407 (1955 Regular Session)—"An Act to create a fund to be known as a special grand jury fund in each Judicial Circuit of the State of Florida embracing a county having a population of four hundred eighty nine thousand (489,000) or more, according to the last federal census; to make an appropriation of money therefor; to provide the purpose for which said money shall be used, and the method of disbursing same and repealing Chapter 25765 Laws of Florida, 1949, and providing an effective date therefor."

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

June 23, 1955

Honorable R. A. Gray
Secretary of State
State of Florida
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 1407, enacted by the Legislature of 1955, and entitled:

"AN ACT TO CREATE A FUND TO BE KNOWN AS A SPECIAL GRAND JURY FUND IN EACH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA EMBRACING A COUNTY HAVING A POPULATION OF FOUR HUNDRED EIGHTY NINE THOUSAND (489,000) OR MORE, ACCORDING TO THE LAST FEDERAL CENSUS; TO MAKE AN APPROPRIATION OF MONEY THEREFOR; TO PROVIDE THE PURPOSE FOR WHICH SAID MONEY SHALL BE USED, AND THE METHOD OF DISBURSING SAME, AND REPEALING CHAPTER 25765, LAWS OF FLORIDA, 1949, AND PROVIDING AN EFFECTIVE DATE THEREFOR."

The only intended purpose of this Bill was to increase the appropriation for the Dade County Grand Jury. By inadvertence, however, it would also have the effect of repealing

the authority of the Grand Jury to employ special legal counsel. This latter result is not desired by the sponsors and is not in the public interest.

For the foregoing reason, I, therefore, withhold my approval from Senate Bill No. 1407, Regular Session of the Legislature, 1955, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 1407 (1955 Regular Session) the roll was called and the vote was:

Yeas—None.

Nays—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

So Senate Bill No. 1407 (1955 Regular Session) failed to pass over the Governor's veto.

The following message from the Honorable R. A. Gray, Secretary of State, was received and read:

Tallahassee, Florida,
April 16, 1957.

Hon. W. A. Shands
President of the Senate
Senate Chamber
Capitol.

Dear Senator Shands:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you, for consideration of the Senate, the following vetoed bills, (Extraordinary Session 1956), with the Governor's objections attached thereto, viz:

Senate Bill No. 79-XX (56)

"An Act directing the Florida Game and Fish Commission to grant a right-a-way through a game reservation in Jackson county to the Board of County Commissioners, for the purpose of building a public road; providing an effective date.

Very truly yours,

R. A. GRAY
Secretary of State.

S. B. No. 79-XX (56)—"An Act directing the Florida Game and Fish Commission to grant a right-of-way through a game reservation in Jackson county to the Board of County Commissioners, for the purpose of building a public road; providing an effective date.

Was taken up and read by title, together with the following objections thereto of the Honorable LeRoy Collins, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

August 11, 1956.

Honorable R. A. Gray
Secretary of State
State Capitol
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 79-XX, enacted by the Legislature, extraordinary session, 1956, and entitled:

"AN ACT DIRECTING THE FLORIDA GAME AND FISH COMMISSION TO GRANT A RIGHT-OF-WAY THROUGH A GAME RESERVATION IN JACKSON COUNTY TO THE BOARD OF COUNTY COMMISSIONERS, FOR THE PURPOSE OF BUILDING A PUBLIC ROAD; PROVIDING AN EFFECTIVE DATE."

The constitutionality of the legislative act which seeks to require and direct action by the Game and Fresh Water Fish Commission is subject to serious question and, in any case, it is doubtful that the Commission has complete discretion in the matter under its arrangements with the Federal government for the use of the property involved.

Furthermore, I have been advised that the agencies of the State, as well as of the Federal and local governments, which must be involved in any program for obtaining the maximum public benefit in the use of the area, have reached understandings which will effect the commendable purposes of this legislation. I am confident that as a result of these understandings, the scenic and recreational value of the proposed road will be fully realized and the law is, therefore, unnecessary.

For the foregoing reasons, which are concurred in by the legislative sponsors of the bill, I withhold my approval from Senate Bill No. 79-XX, extraordinary session of 1956, and do hereby veto the same.

Respectfully,

LeROY COLLINS,
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 79-XX(56) (Extraordinary Session) the roll was called and the vote was:

Yeas—None.

Nays—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

So Senate Bill No. 79-XX(56) (Extraordinary Session) failed to pass over the Governor's veto.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendment to—

By Mr. Walker of Collier—

H. B. No. 289—A bill to be entitled An Act authorizing the board of county commissioners of Collier County to set aside, earmark and distribute to the county board of public instruction in said county one hundred seventy-five thousand dol-

lars (\$175,000); prescribing the purpose for its use and manner of payment.

Proof of publication attached.

—which amendment reads as follows:

In Section 1, line 6 (typewritten bill) strike out the words: "as security."

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendment to—

By Messrs. Shaffer, Petersen and Carney of Pinellas.

H. B. No. 224—A bill to be entitled An Act authorizing the Board of County Commissioners of Pinellas County to adopt, amend and rescind codes for trades requiring expert technical knowledge, to appoint inspectors and charge and collect reasonable fees for permits, inspections and public hearings; providing for the appointment of an advisory committee and examining boards and their powers and duties and qualifications and terms of office of their members and payment of their compensation and expenses; requiring examinations in certain cases involving trades for which codes are adopted and for issuance, suspension and revocation of certificates of competency and renewals thereof, and for fees to be charged therefor; limiting number of structures that certain owner-builders may build without certificate of competency; providing for review by board of county commissioners and for appeals to the circuit court and limiting time thereof; making it unlawful to engage in business involving trades for which codes are adopted or to practice such trades in certain cases; prohibiting the issuance of state or county occupational licenses in certain cases and for suspension or revocation of those issued; and making it a misdemeanor to violate any of the provisions of this act or of any codes, orders or resolutions promulgated pursuant hereto; and providing an effective date.

Proof of publication attached.

—which amendment reads as follows:

In Section 2, line 12, (typewritten bill) insert the following:

After the word "newspaper" insert a comma and add before the word "not" the following—"of general circulation in Pinellas County, Florida."

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senators Brackin, Beall, Belser, Eaton, Rawls, Carraway, Johnson and Branch—

Senate Concurrent Resolution No. 264:

A CONCURRENT RESOLUTION INVITING THE FLORIDA

DELEGATION OF THE UNITED STATES CONGRESS TO VISIT THE LEGISLATURE AND INVITING HONORABLE SPESSARD L. HOLLAND, HONORABLE GEORGE SMATHERS, UNITED STATES SENATORS FROM FLORIDA, AND HONORABLE BOB SIKES, DEAN OF THE FLORIDA HOUSE DELEGATION, TO ADDRESS A JOINT SESSION OF THE FLORIDA LEGISLATURE.

WHEREAS, It is fitting and proper that our esteemed members of the United States Congress be requested to visit the Florida Legislature and exchange ideas for the betterment of our State, and

WHEREAS, It has become a most pleasant tradition that our esteemed members of the United States Senate address this body when in regular session, and

WHEREAS, It is of great value to this Legislature to have information and intelligence of value to Florida brought to it from both houses of the Congress, and

WHEREAS, In keeping with this tradition and in order that we may have the pleasure of their presence and the benefits of their wise counsel of governmental affairs on the national and international level, particularly that which is material and relevant to Florida, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE CONCURRING:

That the Florida delegation of the Congress of the United States be invited to visit this body and that the Honorable Spessard L. Holland and the Honorable George Smathers, United States Senators from Florida, and the Honorable Bob Sikes, representing the members of the House of Representatives of Congress, are hereby invited to address a joint session of the Florida Legislature to be convened on Thursday, April 25, 1957, in the Hall of the House of Representatives, Tallahassee, Florida.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 264, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senator Connor—

Senate Concurrent Resolution No. 31:

A CONCURRENT RESOLUTION PROPOSING THE ESTABLISHMENT OF AN INTERIM COMMITTEE COMPOSED OF MEMBERS OF THE FLORIDA LEGISLATURE AND MEMBERS OF THE FLORIDA POULTRY INDUSTRY TO SURVEY POTENTIALITIES, INSURE COOPERATION AND ASSISTANCE OF STATE AGENCIES, PRESENT FACILITIES AND NEEDS OF THE POULTRY PRODUCING INDUSTRY OF FLORIDA.

WHEREAS, the poultry phase of the agricultural industry of Florida directly affects the economy of a large segment of the citizens of the state, and

WHEREAS, statistics of the United States Department of Agriculture afford the information that the natural advantages of climate and terrain of Florida for the raising and marketing of poultry products is superior to any other state of the Union, and

WHEREAS, the potential of the poultry industry in Florida is far below its proper percentage on the basis of a comparison with that of other states having inferior natural advantages to Florida's, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That a committee consisting of twelve (12) members, be appointed to serve for two (2) years, six (6) members to be selected from the Florida Legislature and six (6) members to be selected from the Florida poultry producing industry. The appointment of these members to be vested in the President of the Florida Senate who shall appoint three (3) members from that body and three (3) who are poultry producers, and the Speaker of the House who shall appoint three (3) members from the House and three (3) members who are poultry producers.

Section 2. That this interim committee is charged with investigating and reporting on the Florida poultry possibilities and potentialities.

Section 3. That this committee shall further investigate and report on the facilities now available in research, disease diagnosis and control, marketing and marketing control and this interim committee shall be further charged with the responsibility of acquiring knowledge pertaining to the methods and facilities utilized and offered by other states for the benefit of their poultry producing industries.

Section 4. That the Florida Department of Agriculture, Florida Livestock Board, University of Florida, Florida State University, and all other State agencies, are hereby authorized and directed to cooperate with this committee in every way possible to aid and further the work of this committee in supplying information, data and other assistance when requested by this committee.

Section 5. That this interim committee as a whole shall make a comprehensive report of their survey, including their recommendations, to the governor of Florida, to the Florida Legislature, and to the Commissioner of Agriculture of Florida on or before January 1, 1959.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 31, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Cabot—

S. B. No. 178—A bill to be entitled An Act fixing and validating the compensation of the county judges in all counties having a population of not less than seventy-five thousand (75,000) nor more than one hundred thousand (100,000) inhabitants by the latest official federal census; and providing an effective date.

Also—

By Senator Pope—

S. B. No. 38—A bill to be entitled An Act amending Section 1, Chapter 24056, Laws of Florida, Acts of 1947, relating to compensation of supervisors of registration in counties having a population of not less than twenty-four thousand (24,000) and not more than twenty-six thousand (26,000) according to the last official census, by providing that such compensation shall be retroactive to January 1, 1950.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 178 and 38, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Pope—

S. B. No. 234—A bill to be entitled An Act amending Section 24 of Chapter 11148, Special Acts of 1925, pertaining to the form, enacting clause and reading requirements of ordinances and resolutions of the City of St. Augustine, Florida, by providing that all ordinances, other than emergency measures, may be read by title only on second reading by unanimous vote of the city commissioners present.

Proof of publication attached.

Also—

By Senator Kickliter—

S. B. No. 230—A bill to be entitled An Act amending Section 4 of Chapter 29548, Laws of Florida, Special Acts of 1953, relating to the redistricting of the territory contained in city limits of City of Tampa affecting elections.

Proof of publication attached.

Also—

By Senator Kickliter—

S. B. No. 229—A bill to be entitled An Act amending Sections 7, 10, 17, 32, 36, 37, and 41 of Chapter 15533, Laws of Florida, Special Acts of 1931, and adding certain sections to said chapter all relating to municipal elections held in the City of Tampa, the board of elections of said city, and the filling of vacancies in elective offices in said city.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 234, 230 and 229, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Pope—

S. B. No. 233—A bill to be entitled An Act to create in the City of St. Augustine, Florida, a retirement system for police officers in said city to be known as "St. Augustine Police Officers Retirement System," which system is in substitution for the Police Officers Retirement Fund and System thereunder now and heretofore existing under Chapter 185, Florida Statutes, which latter system is abolished on the effective date of this Act; to provide a fund to be known as "St. Augustine Police Officers Retirement Fund"; to provide for the creation of a board of trustees to administer said fund and to prescribe the powers and duties of such board; to provide rules and regulations for the administration of the system

created hereunder; to provide for investment and safekeeping of the funds created under this Act; to prescribe the qualifications as to who shall be eligible for and who shall receive a pension under this Act; to provide sums to police officers in said city as shall be retired or who are disabled; to provide for benefits upon death or termination of employment to such police officers as may be entitled to said benefits under this Act; to provide for preservation of possible existing vested rights under the above abolished system; to provide for enforcement of this Act; to maintain in force and effect provisions of Chapter 185, Florida Statutes, relating to the powers of municipalities to impose a premium receipts tax as provided and in relation to the collection and distribution of said tax; to provide for the repealing of all laws or all parts of laws in conflict with this Act; and to fix the effective date of this Act.

Proof of publication attached.

Also—

By Senator Kickliter—

S. B. No. 231—A bill to be entitled An Act empowering the City of Tampa in the interest of the public morals, health, safety and welfare of the City of Tampa to regulate the employment and duties of female employees of establishments selling alcoholic beverages for consumption on the premises and prohibiting the frequenting of such establishments by female impersonators.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 233 and 231, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Beck of Putnam, Livingston of Highlands, Jones of Taylor, Stewart of Hendry, Russ of Wakulla, Alexander of Liberty, Duncan of Lake, Williams of Hardee, Roberts of Union, Smith of DeSoto, Roberts of Suwannee, Peacock of Jackson, Saunders of Clay, Smith of St. Lucie, Costin of Gulf, Hathaway of Charlotte, Peeples of Glades, Wadsworth of Flagler, Chaires of Dixie, Ayers of Hernando, Blank of Palm Beach, Walker of Collier, Petersen of Pinellas, Shaffer of Pinellas, Williams of Columbia, Marshburn of Levy, Lancaster of Gilchrist, Turlington and Cross of Alachua, Musselman and Ryan of Broward, Chappell of Marion, Bartholomew of Sarasota, Mitchell of Washington, Manning of Holmes, Mattox of Polk, Strickland of Citrus, Peters of Calhoun, Papy of Monroe, Anderson of Jefferson, Kimbrough of Santa Rosa, Askins of Nassau, Gibbons of Hillsborough, Weinstein of St. Johns, Sheppard of Lee, Youngberg of Sarasota, Carney of Pinellas, McAlpin of Hamilton, Surlis of Polk, Land of Orange, Usina of St. Johns, Pratt of Manatee, Hollahan of Dade, Griffin of Polk, Rowell of Sumter, Horne of Leon, Zelmanovitz of Okeechobee and Harris of Bay—

H. C. R. No. 373—A Resolution for the appointment of an interim committee of the House of Representatives and Senate to investigate and make a study of matters relating to the Welfare Department of Florida.

WHEREAS, Florida is interested in administering to the needs of all its people, and

WHEREAS, The public welfare and interest of the people require that certain groups be aided by the State Welfare Department, and

WHEREAS, The state should make a careful and compre-

hensive study before recommending any legislation affecting the matters heretofore stated, NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

Section 1. That an interim committee of five (5) members of the House of Representatives be appointed by the Speaker thereof and four (4) members of the Senate appointed by the president thereof to make a careful and comprehensive study of all matters relating to the State Welfare Department and state welfare. The committee shall report to the 1959 Legislature the results of its activities and make such recommendations as shall be meet and expedient in the premises.

Section 2. The committee appointed under the provisions of this resolution is authorized to assemble such data by whatever means is deemed necessary, such as holding public hearings, employing experts or other persons authorized to carry out its duties, and taking any other proper and necessary actions so as to properly and completely make its investigations hereunder and shall have all other authority and duties provided by Chapter 11, Florida Statutes.

Section 3. All expenses incident to hearings held and investigation made by the committee appointed under the provisions of this resolution shall be paid as provided in Section 11.11, Florida Statutes, other than mileage and per diem of members which shall be paid as provided in Section 112.061, Florida Statutes.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 373, contained in the above message, was read the first time in full and referred to the Committee on Welfare.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Wise and Stewart of Okaloosa, Peacock and Shipp of Jackson, Hopkins and Stone of Escambia, Kimbrough of Santa Rosa, Manning of Holmes, and Beasley of Walton—

H. C. R. No. 270—A concurrent resolution requesting a legislative conference between the State of Florida and the State of Alabama to amicably settle mutual liquid petroleum gas problems.

WHEREAS, the health and welfare of the residents of the States of Florida, and Alabama are of mutual concern to the Legislators of said states, and

WHEREAS, liquid petroleum gas is used by the residents of said great southern states for cooking and heating purposes, and

WHEREAS, some difficulties have arisen whereby the sale of liquid petroleum gas has been impeded between the neighboring states of Florida and Alabama, and

WHEREAS, the Legislators of the State of Florida are desirous of meeting with the Representatives of the State of Alabama in an attempt to settle amicably their differences, NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

There is hereby created a joint interim liquid petroleum gas committee, composed of three (3) members of the House of Representatives to be appointed by the Speaker of the House,

and two (2) members of the Senate, appointed by the President of the Senate, which committee is vested with the authority to contact the proper representatives of the State of Alabama for the purpose of settling problems existing in the liquid petroleum industry between the two (2) states.

BE IT FURTHER RESOLVED that a message be conveyed to His Excellency, The Governor of Alabama by this committee, requesting him to contact his Legislators for this purpose.

BE IT FURTHER RESOLVED that this committee act with all haste to perform this task.

BE IT FURTHER RESOLVED that this committee report the result of this meeting to His Excellency, The Governor of the State of Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 270, contained in the above message, was read the first time in full and referred to the Committee on Oil and Natural Resources and the Committee on Judiciary "A".

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Duncan of Lake—

H. B. No. 148—A bill to be entitled An Act relating to acknowledgments of members of the armed forces; amending Section 695.031, Florida Statutes, by adding new Subsection (4); providing certain requirements for an acknowledgment of a spouse of a member of the armed forces and renumbering subsequent subsections of said section; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 148, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "B".

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Williams of Columbia—

H. B. No. 64—A bill to be entitled An Act prohibiting the use or operation of a state motor vehicle for personal use; and providing a penalty for violations.

Also—

By Mr. Duncan of Lake—

H. B. No. 141—A bill to be entitled An Act amending Sec-

tion 693.14, Florida Statutes, 1955, relating to powers of attorney by married woman to provide that husband need not join with wife in power of attorney by wife to her husband; providing the effective date hereof.

Also—

By Mr. Duncan of Lake—

H. B. No. 144—A bill to be entitled An Act relating to the payment of attorneys fees in suits for partition of real estate; amending Section 66.08, Florida Statutes; repealing all conflicting laws; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 64, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "A".

And House Bill No. 141, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "A".

And House Bill No. 144, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "A".

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 16, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Duncan of Lake—

H. B. No. 145—A bill to be entitled An Act relating to the construction of words in the Florida Statutes; amending Section 1.01, Florida Statutes, by adding Subsection (13) to define words "registered mail" to include certified mail with return receipt requested; and providing effective date hereof.

Also—

By Mr. Duncan of Lake—

H. B. No. 146—A bill to be entitled An Act relating to attorneys at law; repealing Section 454.33, Florida Statutes, regulating advertisements relative to handling divorce cases; providing an effective date.

Also—

By Mr. Duncan of Lake—

H. B. No. 147—A bill to be entitled An Act to repeal Section 47.17 Florida Statutes 1955 relating to an alternative method of service of process on private corporations and to provide that where any domestic or foreign corporation shall fail to comply with Section 47.34 and Section 47.35 Florida Statutes 1955, relating to the designation of a place for service of process and the designation of an officer or agent upon whom process may be served, or in the alternative with Section 47.36 Florida Statutes 1955, relating to the designation of the office of the clerk of the circuit court as a place for service of process, then process directed to a domestic corporation may be served upon any officer or agent resident in the State of Florida or transacting business for it in the State of Florida, and process directed to a foreign corporation may be served upon any agent transacting business for it in the State of Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 145, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "A".

And House Bill No. 146, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "C".

And House Bill No. 147, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "B".

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

H. C. R. No. 174—A resolution to declare the United States Supreme Court decisions usurping the powers reserved to the States and relating to education, labor, criminal procedure, treason and subversion to be null, void and of no effect; to declare that a contest of powers has arisen between the State of Florida and the Supreme Court of the United States; to invoke the doctrine of interposition; and for other purposes.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Legislature of Florida doth hereby unequivocally express a firm and determined resolution to maintain and defend the Constitution of the United States, and the Constitution of this State against every attempt, whether foreign or domestic, to undermine and destroy the fundamental principles, embodied in our basic law, by which the liberty of the people and the sovereignty of the States, in their proper spheres, have been long protected and assured;

That the Legislature of Florida doth explicitly and pre-emptorily declare that it views the powers of the Federal Government as resulting solely from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument creating that compact;

That the Legislature of Florida asserts that the powers of the Federal Government are valid only to the extent that these powers have been enumerated in the compact to which the various States assented originally and to which the States have assented in subsequent amendments validly adopted and ratified;

That the very nature of this basic compact, apparent upon its face, is that the ratifying States, parties thereto, have agreed voluntarily to surrender certain of their sovereign rights, but only certain of these sovereign rights, to a Federal Government thus constituted; and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, have been reserved to the States respectively, or to the people;

That the State of Florida has at no time surrendered to the General Government its right to exercise its powers in the field of labor, criminal procedure, and public education, and to maintain racially separate public schools and other public facilities;

That the State of Florida, in ratifying the Fourteenth Amendment to the Constitution, did not agree, nor did the other States ratifying the Fourteenth Amendment agree, that the power to regulate labor, criminal proceedings, public education, and to operate racially separate public schools and other facilities was to be prohibited to them thereby;

And as evidence of such understanding as to the inherent power and authority of the States to regulate public education and the maintenance of racially separate public schools, the Legislature of Florida notes that the very Congress that submitted the Fourteenth Amendment for ratification established separate schools in the District of Columbia and that in more than one instance the same State Legislatures that ratified the Fourteenth Amendment also provided for systems of racially separate public schools;

That the Legislature of Florida denies that the Supreme Court of the United States had the right which it asserted in the school cases decided by it on May 17, 1954, the labor union case decided on May 21, 1956, the cases relating to criminal proceedings decided on April 23, 1956, and January 16, 1956, the anti-secession case decided on April 2, 1956, and the case relating to teacher requirements decided on April 9, 1956, to enlarge the language and meaning of the com-

compact by the States in an effort to withdraw from the States powers reserved to them and as daily exercised by them for almost a century;

That a question of contested power has arisen; the Supreme Court of the United States asserts, for its part, that the States did in fact prohibit unto themselves the power to regulate labor matters, criminal proceedings and public education and to maintain racially separate public institutions and the State of Florida, for its part, asserts that it and its sister States have never surrendered such rights;

That these assertions upon the part of the Supreme Court of the United States, accompanied by threats of coercion and compulsion against the sovereign States of this Union, constitute a deliberate, palpable, and dangerous attempt by the Court to prohibit to the States certain rights and powers never surrendered by them;

That the Legislature of Florida asserts that whenever the General Government attempts to engage in the deliberate, palpable and dangerous exercise of powers not granted to it, the States who are parties to the compact have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them;

That failure on the part of this State thus to assert its clear rights would be construed as acquiescence in the surrender thereof; and that such submissive acquiescence to the seizure of one right would in the end lead to the surrender of all rights, and inevitably to the consolidation of the States into one sovereignty, contrary to the sacred compact by which this Union of States was created;

That the question of contested power asserted in this resolution is not within the province of the Court to determine because the Court itself seeks to usurp the powers which have been reserved to the States, and, therefore, under these circumstances, the judgment of all of the parties to the compact must be sought to resolve the question. The Supreme Court is not a party to the compact, but a creature of the compact and the question of contested power should not be settled by the creature seeking to usurp the power, but by the parties to the compact who are the people of the respective States in whom ultimate sovereignty finally reposes;

That the Constitution of the State of Florida provides for full benefits to all its citizens with reference to educational facilities and under the Laws of Florida enacted by the Legislature through the Minimum Foundation Program its citizens under states' rights, all are being educated under the same general law and all teachers are being employed under identical educational qualifications and all are certified by the State Board of Education alike, which enables the people, themselves, in Florida, to provide an educational establishment serviceable and satisfactory and in keeping with the social structure of the state. The people of Florida do not consent to changing state precedents and their rights by having doctrines thrust upon them by naked force alone, as promulgated in the school cases of May 17, 1954, and May 31, 1955;

That the doctrines of said decisions and other decisions denying to the States the right to have laws of their own dealing with subversion or espionage, and criminal proceedings, and denying the States the right to dismiss individuals from public employment who refuse to answer questions concerning their connections with communism by invoking the Fifth Amendment, and denying the States the right to provide for protective "right to work" laws, should not be forced upon the citizens of this State for the Court was without jurisdiction, power or authority to interfere with the sovereign powers of the State in such spheres of activity;

That the Court in its decisions relating to public education was without jurisdiction because (1) the jurisdiction of the Court granted by the Constitution is limited to judicial cases in law and equity, and said cases were not of a judicial nature and character, nor did they involve controversies in law or equity, but, on the contrary, the great subjects of the controversy are of a legislative character, and not a judicial character, and are determinable only by the people themselves speaking through their legislative bodies; (2) the essential nature and effect of the proceedings relating exclusively to public schools operated by and under the author-

ity of States, and pursuant to State laws and regulations, said cases were suits against the States, and the Supreme Court was without power or authority to try said cases, brought by individuals against States, because the Constitution forbids the Court to entertain suits by individuals against a State unless the State has consented to be sued;

That if said Court had had jurisdiction and authority to try and determine said cases, it was powerless to interfere with the operation of the public schools of States, because the Constitution of the United States does not confer upon the General Government any power or authority over such schools or over the subject of education, jurisdiction over these matters being reserved to the States, nor did the States by the Fourteenth amendment authorize any interference on the part of the Judicial Department or any other department of the Federal Government with the operation by the States of such public schools as they might in their discretion see fit to establish and operate;

That by said cases the Court announces its power to adjudge State laws unconstitutional upon the basis of the Court's opinion of such laws as tested by rules of the inexact and speculative theories of psychological knowledge, which power and authority is beyond the jurisdiction of said Court;

That if the Court is permitted to exercise the power to judge the nature and effect of a law by supposed principles of psychological theory, and to hold the Statute or Constitution of a State unconstitutional because of the opinions of the Judges as to its suitability, the States will have been destroyed, and the indestructible Union of Indestructible States established by the Constitution of the United States will have ceased to exist, and in its stead the Court will have created, without jurisdiction or authority from the people, one central government of total power;

That implementing its decision relating to public education of May 17, 1954, said Court on May 31, 1955 upon further consideration of said cases, said: "All provisions of Federal State, or local law . . . must yield" to said decision of May 17, 1954; said Court thereby presuming arrogantly to give orders to the State of Florida;

That it is clear that said Court has deliberately resolved to disobey the Constitution of the United States, and to flout and defy the Supreme Law of the Land;

That the State of Florida, as is also true of the other sovereign states of the Union, has the right to enact laws relating to subversion or espionage, criminal proceedings, dismissing public employees who refuse to answer questions concerning their connections with communism and "right to work" protection, and has the right to operate and maintain a public school system utilizing such educational methods therein as in her judgment are conducive to the welfare of those to be educated and the people of the State generally, this being a governmental responsibility which the State has assumed lawfully, and her rights in this respect have not in any wise been delegated to the Central Government, but, on the contrary, she and the other States have reserved such matters to themselves by the terms of the Tenth Amendment. Being possessed of this lawful right, the State of Florida is possessed of power to repel every unlawful interference therewith;

That the duty and responsibility of protecting life, property and the priceless possessions of freedom rests upon the Government of Florida as to all those within her territorial limits. The State alone has this responsibility. Laboring under this high obligation she is possessed of the means to effectuate it. It is the duty of the State in flagrant cases such as this to interpose its powers between its people and the effort of said Court to assert an unlawful dominion over them; THEREFORE,

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

Section 1. That said decisions and orders of the Supreme Court of the United States denying the individual sovereign states the power to enact laws relating to espionage or subversion, criminal proceedings, the dismissal of public employees for refusal to answer questions concerning their connections with communism, "right to work" protection, and relating to separation of the races in the public institutions of a State, are null, void and of no force or effect.

Section 2. That the elected representatives of the people of Florida do now seriously declare that it is the intent and duty of all officials, state and local, to observe, honorably, legally and constitutionally, all appropriate measures available to resist these illegal encroachments upon the sovereign powers of this State.

Section 3. That we urge firm and deliberate efforts to check these and further encroachments on the part of the Federal Government, and on the part of said Court through judicial legislation, upon the reserved powers of all the States' powers never surrendered by the remotest implication but expressly reserved and vitally essential to the separate and independent autonomy of the States in order that by united efforts the States may be preserved.

Section 4. That a copy of this Resolution be transmitted by His Excellency The Governor to the Governor and Legislature of each of the other States, to the President of the United States, to each of the Houses of Congress, to Florida's Representatives and Senators in the Congress, and to the Supreme Court of the United States for its information.

Was taken up and read the second time in full.

Senator Rodgers offered the following amendment to House Concurrent Resolution No. 174:

In Section 1, line 8, (typewritten bill) strike out the words: "are null, void and of no force or effect" and insert in lieu thereof the following: "Are a usurpation of the Legislative powers and rights of the Legislature and the people of the State of Florida, which have been expressly reserved to the several sovereign states by the 10th Amendment of the Constitution of the United States."

Senator Rodgers moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Pending further consideration thereof, Senator Brackin moved that House Concurrent Resolution No. 174 be re-committed to an appropriate committee for further study.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Brackin, the vote was:

Yeas—17.

Mr. President	Cabot	Gautier	Rood
Barber	Carlton	Houghton	Stenstrom
Boyd	Clarke	Morgan	
Brackin	Dickinson	Neblett	
Bronson	Eaton	Rodgers	

Nays—21.

Adams	Connor	Johns	Pope
Beall	Davis	Johnson	Rawls
Belser	Edwards	Kelly	Stratton
Bishop	Getzen	Kickliter	
Branch	Hair	Knight	
Carraway	Hodges	Pearce	

So the motion failed of adoption.

Senator Pope moved that the Senate reconsider the vote by which the foregoing motion made by Senator Brackin to re-commit House Concurrent Resolution No. 174 to an appropriate committee for further study failed of adoption.

And the motion went over under the rule.

Senator Edwards moved that Senate Bill No. 185 be re-committed.

Which was agreed to and Senate Bill No. 185 was re-committed to the Committee on Education.

S. B. No. 343—A bill to be entitled An Act relating to mullet; repealing Subsection (5) of Section 370.11, Florida Statutes; removing the closed season on mullet.

Was taken up in its order.

Senator Hodges moved that the rules be waived and Senate Bill No. 343 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 343 was read the second time by title only.

Senator Hodges moved that the rules be further waived and Senate Bill No. 343 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 343 was read the third time in full.

Upon the passage of Senate Bill No. 343 the roll was called and the vote was:

Yeas—36.

Mr. President	Bronson	Gautier	Morgan
Adams	Cabot	Getzen	Neblett
Barber	Carlton	Hair	Pearce
Beall	Carraway	Hodges	Pope
Belser	Clarke	Houghton	Rawls
Bishop	Davis	Johns	Rodgers
Boyd	Dickinson	Johnson	Rood
Brackin	Eaton	Kelly	Stenstrom
Branch	Edwards	Kickliter	Stratton

Nays—2.

Connor Knight

So Senate Bill No. 343 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Rawls requested unanimous consent of the Senate to be recorded as a co-introducer of Senate Bill No. 127.

Unanimous consent was granted.

S. B. No. 127—A bill to be entitled An Act authorizing the Game and Fresh Water Fish Commission to enter into agreements of reciprocity with the authorized officials or department of other states regulating the interchange of the privilege of taking game and fresh water fish between the citizens of participant states.

Was taken up in its order.

Senator Johnson moved that the rules be waived and Senate Bill No. 127 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 127 was read the second time by title only.

The Committee on Game and Fisheries offered the following amendment to Senate Bill No. 127:

In Section 1, line 4 and 7 (typewritten bill) strike out the word "other" and insert in lieu thereof the following: "bordering"

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnson moved that the rules be further waived and Senate Bill No. 127, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 127, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 127, as amended, the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 127 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senate Bill No. 85 was taken up in its order and the consideration thereof was informally passed, the Bill retaining its place on the Calendar of Bills on Second Reading.

S. B. No. 159—A bill to be entitled An Act to amend Section 646.08, Florida Statutes of 1955; to provide that no policy shall be issued under Chapter 646 except through a licensed agent; to provide that the premium, commission or dividend for such policies when received by any lender, creditor or anyone connected directly or indirectly with the lender or creditor shall not be deemed interest or charged or excess consideration under any other Statute of Florida; to provide that accident and health insurance may not be sold or issued by an insurer or agent in connection with loans made under Chapters 516 and 519, Florida Statutes of 1955.

Was taken up in its order.

Senator Johns moved that the rules be waived and Senate Bill No. 159 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 159 was read the second time by title only.

Senator Johns moved that the rules be further waived and Senate Bill No. 159 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 159 was read the third time in full.

Upon the passage of Senate Bill No. 159 the roll was called and the vote was:

Yeas—37.

Mr. President	Carlton	Hair	Pearce
Adams	Carraway	Hodges	Pope
Barber	Clarke	Houghton	Rawls
Beall	Connor	Johns	Rodgers
Belser	Davis	Johnson	Rood
Bishop	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	
Cabot	Getzen	Neblett	

Nays—None.

So Senate Bill No. 159 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:00 o'clock P. M., until 10:00 o'clock A. M., Thursday, April 18, 1957, pursuant to the motion made by Senator Davis, Chairman of the Committee on Rules and Calendar, on April 16, 1957.